

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 22, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Bruce Medcalf, County Clerk
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 15, 2005.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated February 15, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. An exceptional circumstance award, in the amount of \$325, for Vicki Geisler, an employee at Lancaster Manor.

MOTION: Stevens moved and Schorr seconded approval of a one time cash award, in the amount of \$325, for Vicki Geisler, an employee at Lancaster Manor. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **PUBLIC COMMENT:**

Calvin Paschold, 27100 South 38th Street, appeared regarding an application for an amusement from Cara Carney. He stated he and his brothers own property adjacent to the location of the proposed country festival. Paschold explained that neither applicant has approached him or his brothers about the use of their land, however, the map he viewed shows that some of the festival is located on their property. He stated it is his understanding that alcohol will be served and that he has concerns regarding property damage and trash. Paschold added that his property is located on the corner of South 148th Street and Pioneers Boulevard.

4) **CLAIMS:** Approval of all claims processed through Tuesday, February 22, 2005.

MOTION: Workman moved and Stevens seconded approval of all claims processed through February 22, 2005. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Final Plat 04134, Masek's 1st Addition, requested by Brian D. Carstens and Associates on behalf of 3801 Harney, L.L.C., consisting of nine lots on 101.22 acres, more or less, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Brian Carstens, appearing on behalf of 3801 Harney, L.L.C..

Carstens gave a brief overview of the proposal and indicated all private and public improvements have been completed.

Heier asked if there was a cul-de-sac on the east end of Masek Drive.

Carstens stated there would be a temporary turn around.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position.

No one appeared and the hearing was closed.

5) **PUBLIC HEARINGS:**

B. Adoption of a resolution to impose an additional sales tax of not to exceed two percent following the establishment of a County Visitors' Improvement Fund, pursuant to Neb. Rev. Stat. §81-1254(2) (Supp. 2003).

The Chair opened the public hearing.

Kerry Eagan, Chief Administrative Officer, explained that the purpose of the hearing is to decide whether to impose the additional tax and at what amount, not to exceed two percent.

Tom Fox, Deputy County Attorney, suggested that the Board also consider a date when the tax would go into effect. He added that the statute doesn't provide a time limit after the resolution is approved as to when it becomes effective.

The Clerk administered the oath to Wendy Birdsall, President of the Convention and Visitors' Bureau.

Birdsall suggested the effective date for the additional tax be at the beginning of the fiscal year or in 60 days. She added that they don't have a preference, however, the sooner it is collected, the sooner the funds could be instituted.

Birdsall reiterated that the Convention and Visitors' Bureau would like to see the Board adopt a two percent increase, with one percent being reserved for a convention/arena space, one-half percent to be designated for entryway signage and one-half percent for a visitors/grant fund to aid in the promotion of tourism.

The Clerk administered the oath to Rod Snover, representing the Lancaster County Agricultural Society, and Wayne Venter, representing the Lancaster Event Center.

Snover distributed and briefly discussed a letter from the Ag Society, dated February 22, 2005 (Exhibit 1). He stated they would like to see one percent designated for the Ag Society for Phase II of their expansion plans. Snover stated they would construct a 120,000 square foot arena with up to 5,000 permanent seats, an 80,000 square foot concrete floor show ground and a third stalling barn.

5) **PUBLIC HEARINGS CONTINUED:**

Venter stated 75 percent of scheduled events for 2005 is new business, with 50 weekends out of 52 having events scheduled.

Workman asked what the approximate gross sales for the past two to three years has been and how much those sales would increase if Phase II were in place.

Venter responded that their sales were approximately one to one point four million dollars. If Phase II were in place their sales would be increased 40 percent.

Heier asked if anyone has ever approached the Ag Society/Events Center about building a convention center on the same site.

Both Snover and Venter responded that no one has approached them.

Heier asked if the State Fair had approached them.

Snover responded no.

Schorr suggested that the representatives of the Ag Society/Event Center present their proposal to the Convention and Visitors' Bureau so they can be included in the options for use of the tax that the Board will consider.

In response to a question asked by Hudkins, Snover indicated there are 153 acres at 84th and Havelock Avenue with half of the 153 acres being buildable.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Workman seconded to direct the County Attorney's Office to draft a resolution increasing the lodging tax from two percent to four percent, effective May 1, 2005. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

6) **OLD BUSINESS:**

- A. An amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-04-0274, for wraparound services to youth who are wards of the State of Nebraska Health and Human Services southeastern service area and reside in Lancaster County. The County desires an additional care coordinator and as a result, the parties wish to amend the compensation from \$380,226.07 to \$407,796.72. (C-05-0088)

MOTION: Schorr moved and Stevens seconded approval of an amendment to an agreement with Family Services d/b/a CF Star, under County Contract C-04-0274, for wraparound services to youth who are wards of the State of Nebraska Health and Human Services southeastern service area and reside in Lancaster County. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. A resolution in the matter of County Final Plat 04134, Masek's 1st Addition, requested by Brian D. Carstens and Associates, on behalf of 3801 Harney, L.L.C., consisting of nine lots, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska. (R-05-0016)
- B. A subdivision agreement with 3801 Harney, L.L.C. for County Final Plat 04134, Masek's 1st Addition, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska. (C-05-0100)

New Business Items 7A and 7B were heard together.

MOTION: Stevens moved and Heier seconded approval of Resolution 05-0016 in the matter of County Final Plat 04134, Masek's 1st Addition, and a subdivision agreement with 3801 Harney, L.L.C. for County Final Plat 04134, Masek's 1st Addition, on property generally located southeast of the intersection of Northwest 27th Street and West Mill Road in Lancaster County, Nebraska. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- C. An interlocal agreement with Douglas County to allow the Lancaster County Drug Courts to utilize its case management system and source code. The case management system will be available to Lancaster County at no cost. The County will provide Douglas County with any enhancements to the program. (C-05-0101)**

MOTION: Stevens moved and Heier seconded approval of an interlocal agreement with Douglas County to allow the Lancaster County Drug Courts to utilize its case management system and source code. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

- D. An agreement with Analysts International to install and maintain the software utilized by the Lancaster County Adult Drug Court. Term of the agreement is February 1, 2005 through March 4, 2005. The County will pay \$5,280 for such services. (C-05-0105)**

MOTION: Heier moved and Workman seconded approval of an agreement with Analysts International to install and maintain the software utilized by the Lancaster County Adult Drug Court. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

- E. An engineering agreement with Speece-Lewis Engineers for preliminary survey roadway design and plan preparation for the regrading of South 82nd Street from Panama Road to Hickman Road. The work will begin on or after February 21, 2005 and be completed by June 10, 2005. The County will pay \$19,550 for the services. (C-05-0102)**

MOTION: Schorr moved and Stevens seconded approval of an engineering agreement with Speece-Lewis Engineers for preliminary survey roadway design and plan preparation for the regrading of South 82nd Street from Panama Road to Hickman Road. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

F. A utility relocation agreement, Project 05-27, concrete box culverts, South 54th Street, between Roca Road and Martell Road, between the County of Lancaster and the Lancaster County Rural Water District No. 1 of Bennet, Nebraska. The total amount of the project is estimated at \$12,550 of which \$12,550 is estimated to be the share of the cost chargeable to the County. (C-05-0103)

MOTION: Heier moved and Stevens seconded approval of a utility relocation agreement, Project 05-27, concrete box culverts, South 54th Street, between Roca Road and Martell Road, between the County of Lancaster and the Lancaster County Rural Water District No. 1 of Bennet, Nebraska. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

G. An agreement with Legal Aid of Nebraska for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Term of the agreement is from July 1, 2005 through June 30, 2008. The County will pay Legal Aid \$7,320 on a monthly basis. (C-05-0104)

The Clerk read into the record that the amount should be \$21,960 instead of \$7,320.

MOTION: Heier moved and Schorr seconded approval of an agreement with Legal Aid of Nebraska for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County.

Stevens questioned whether attorneys should be hired rather than contracting.

Stevens referred to section three (a) and asked if the \$191,520 was for the three year period or if it was per year.

Fox stated he would need additional time to review the agreement.

The maker of the motion withdrew his motion and the seconder concurred.

Board consensus was to defer the agreement for further review.

7) **NEW BUSINESS CONTINUED:**

H. A grant contract with the Board of Regents, University of Nebraska, Center on Children, Families and Law to provide baseline data on key community indicators, examine comparative data with sister cities, and establish trend analysis to the Community Services Initiative Project, in the amount of \$7,500. Term of the grant contract is January 1, 2005 through June 30, 2005. (C-05-0117)

MOTION: Workman moved and Stevens seconded approval of a grant contract with the Board of Regents, University of Nebraska, Center on Children, Families and Law to provide baseline data on key community indicators, examine comparative data with sister cities, and establish trend analysis to the Community Services Initiative Project, in the amount of \$7,500.

Fox requested that the grant contract be held for further review.

The maker of the motion withdrew his motion and the seconded concurred.

By direction of the Chair, the grant contract was held at the request of the County Attorney's Office.

I. A Keno satellite application for Penalty Box Pub L.L.C. d/b/a Penalty Box Pub 2, located at 1800 State Fair Park Road, pursuant to Section III(5) of the interlocal agreement between the City of Lincoln and Lancaster County.

MOTION: Heier moved and Stevens seconded approval of a Keno satellite application for Penalty Box Pub L.L.C. d/b/a Penalty Box Pub 2, located at 1800 State Fair Park Road, pursuant to Section III(5) of the interlocal agreement between the City of Lincoln and Lancaster County.

In response to a question asked by Stevens, John Hewitt, representing Big Red Keno, stated the Penalty Box Pub does not currently have a Keno license for the fairgrounds. He added that the State Fairgrounds has a license at the grandstand.

Schorr asked if smoking is allowed at the grandstand location and at the Penalty Box.

Hewitt stated yes.

7) **NEW BUSINESS CONTINUED:**

ROLL CALL: Workman, Heier, Stevens and Hudkins voted aye. Schorr voted no.
Motion carried.

RETURNING TO NEW BUSINESS 7G:

Dennis Keefe, Lancaster County Public Defender, explained that it is less expensive to contract for the services, rather than paying the \$60 hourly rate in connection with the appointment of an attorney.

Stevens reiterated his question regarding section 3(a) of the agreement.

Keefe stated the \$191,520 was an annual cost.

In response to a question asked by Heier regarding the number of cases, Keefe stated the case number would not exceed 320.

MOTION: Heier moved and Schorr seconded approval of the agreement with Legal Aid of Nebraska for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County.

AMENDMENT TO THE MOTION: Stevens moved that Paragraph 3(a) of the agreement be amended to read that the total compensation shall be \$191,520 per year.

Motion failed for lack of second.

Fox requested that the agreement be held for further review.

The maker of the motion withdrew the motion and the seconder concurred.

By direction of the Chair, the agreement was held.

- 8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **Management's Discussion and Analysis - Financial Statements and Supplementary Information for the year ended November 30, 2004 for the Lancaster County Agricultural Society submitted by Micek & Crouch, P.C..**

B. Setting of public hearings for Tuesday, March 8, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 113, on the first floor of the County-City Building for the following:

1. County Special Permit 195, Beaver Creek Community Unit Plan, requested by J.D. Burt of Design Associates on behalf of Robert G. Hall and Mervin and LaDonna Van Engen, for six single family residential acreage units and associated waiver requests on property generally located at South 134th and "O" Streets (Highway 34) in Lancaster County, Nebraska.
2. County Preliminary Plat 02011, Beaver Creek, requested by J.D. Burt of Design Associates on behalf of Robert G. Hall and Mervin and LaDonna Van Engen, for six single family residential acreage lots and associated waiver requests on property generally located at South 134th and "O" Streets (Highway 34) in Lancaster County, Nebraska.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ 3-D Farm (Donald H., Lynn E. and Robert Doolittle), in the amount of \$358.50, north of Martell Road on South 25th Street; Project C.P.S-44. (C-05-0106)
- ▶ Kenneth L. and Kathryn A. Holm, in the amount of \$315, north of Martell Road on South 25th Street; Project C.P.S-157. (C-05-0107)
- ▶ Janet Kroese, in the amount of \$292.60, one-half mile east of the intersection at South 134th Street and Princeton Road; Project C.P.Y-181. (C-05-0108)
- ▶ Virginia Riblett, in the amount of \$216, north Holdrege Street on North 176th Street; Project C.P.J-199. (C-05-0109)
- ▶ Daniel D. Whitney, in the amount of \$1,621, one-half mile west of the intersection at North 134th and "A" Streets; Project C.P.J-46. (C-05-0110)
- ▶ Dennis D. and Harriet A. Wieting, in the amount of \$322, north of Martell Road on South 25th Street; Project C.P.S-44. (C-05-0111)

8) **CONSENT ITEMS CONTINUED:**

- ▶ Jerry L. and Martha A. Minchow east of North 70th Street on Branched Oak Road; Project C.P.B-185. This is a donation. (C-05-0112)
- ▶ Maahs, Ltd., in the total amount of \$8,029, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (2 contracts) (C-05-0113 and C-05-0114)
- ▶ Erma M. McGill, in the total amount of \$77, east of North 112th Street on Ashland Road; Project C.P.A-54. (2 contracts) (C-05-0115 and C-05-0116)

MOTION: Schorr moved and Stevens seconded approval of the Consent Items. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:37 p.m.. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 22, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Scott Gaines, Chief Administrative Deputy County
Assessor/Register of Deeds
Bruce Medcalf, County Clerk
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:37 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 15, 2005.

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated February 15, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 343 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Bethlehem Covenant Church
Family Service Association of Lincoln
Nebraska Wesleyan University
Our Lady of Guadalupe Seminary, a division of Priestly Fraternity of St.
Peter

MOTION: Heier moved and Stevens seconded approval of the motor vehicle tax exemptions.

Workman noted that he would abstain from voting because he is a member of the Board for Bethlehem Covenant Church.

ROLL CALL: Stevens, Schorr, Heier and Hudkins voted aye. Workman abstained from voting. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:40 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk